UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.15/1996/16/Add.2
28 March 1996

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Fifth session
Vienna, 21-31 May 1996
Item 7 of the provisional agenda*

UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Addendum

USE AND APPLICATION OF THE CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS, TOGETHER WITH THE BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS

Summary

The present report has been prepared in response to Economic and Social Council resolution 1993/34 of 27 July 1993. It contains information received from Governments on the use and application of the Code of Conduct for Law Enforcement Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Drawing on the experience gained from previous surveys, the report takes into account the specific recommendations made by the Commission on Crime Prevention and Criminal Justice. The results of the survey should provide a standard of comparison by which to assess the progress and needs of each country, and thus direct the course of future action by the Commission.

*E/CN.15/1996/1.

V.96-81954T

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INTRODUCTION

1. The Economic and Social Council, in section III of its resolution 1993/34 of 27 July 1993, requested the Secretary-General to commence a process of information gathering to be undertaken by means of surveys, initially paying attention to, *inter alia*, the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex, of 17 December 1979), together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[1] the results of which are to be considered by the Commission on Crime Prevention and Criminal Justice. In its resolution 1994/18 of 25 July 1994, the Council endorsed a draft questionnaire elaborated by the Secretariat in response to this request as reviewed by the Commission.

2. This report provides a summary of the responses received from 65 States.* Some States, in replying to the questionnaire, submitted copies of laws and other references, which could not be reflected totally in the present report.

3. Attention is called to two earlier reports of the Secretary-General on progress made with respect to the implementation of the Code of Conduct for Law Enforcement Officials. The first report was submitted to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.121/12 and Add.1), held at Milan from 26 August to 6 September 1985; the second one was considered by the Committee on Crime Prevention and Control, at its tenth session (E/AC.57/1988/8), in 1988. The latter report contained updated information on the use and application of the Code of Conduct, on the basis of 51 replies received from Governments. The report reflected that in a number of countries, the Code of Conduct had had a direct influence on reforms in legislation and practice. Training programmes and seminars aimed at familiarizing practitioners with the Code of Conduct were considered to be an important means of improving its application.

I. DUTY OF LAW ENFORCEMENT OFFICIALS

4. According to article 1 of the Code of Conduct, law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

5. While the concept as outlined in article 1 is respected in all States which provided information on the use and application of the Code of Conduct, the status of law enforcement officials and the organizational structure of law enforcement agencies varied. In most countries, officials were civil servants, but in few they belonged to armed forces or military personnel. In one country, law enforcement agents were "peace officers", whose function was to implement the Code of Conduct and other relevant legislation.

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*Argentina, Australia, Austria, Barbados, Belarus, Belgium, Chile, China, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Haiti, Holy See, Hungary, Iran (Islamic Republic of), Ireland, Israel, Jamaica, Japan, Jordan, Lebanon, Liechtenstein, Luxembourg, Malawi, Maldives, Marshall Islands, Mauritius, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Oman, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Vanuatu.

II. CONFIDENTIALITY

6. Article 4 of the Code of Conduct stipulates that matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

7. Almost all countries reported that when law enforcement officials were in possession of information relating to the private lives of individuals, or which was potentially harmful to the interests and especially the reputation of others, they always exercised great care in safeguarding and using the information. Five countries reported that this principle was applied usually, and one noted that it was applied exceptionally. Australia, Mongolia and Nepal reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

8. Almost all countries reported that a law enforcement official was held legally responsible if he or she disclosed information other than in the performance of duty or to serve the needs of justice. Five countries observed that this principle was applied to a certain extent, and one reported that it was applied in some specific situations. Malawi reported that secrecy about both informants and information held by law enforcement officials was highly valued, a fact which led to easy and positive enquiries. Secret information was dealt with in a manner which ensured that informants were not exposed to danger, and that violations of discipline by the police were not disclosed. Mongolia reported that there were some problems with the abuse of freedom of speech. The Philippines reported that the Code of Professional Conduct and Ethical Standards mandated all police personnel to be considerate of the feelings and sensitivities of other persons, and that unauthorized disclosure of any confidential information constituted an administrative and/or criminal offence. The Philippines also reported that a book on the handling of security information, including data on persons subjected to tactical interrogation, investigation or interviewing, was available to all those concerned within the police forces of the Philippines.

III. ACTION AGAINST TORTURE

9. Article 5 of the Code of Conduct stipulates that no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, international political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment. In this connection, it may be recalled that the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment has submitted annual reports on his findings to the Commission on Human Rights. In order to avoid any duplication of reporting, the following chapter focusses only on information that complements the annual reports of the Special Rapporteur.

10. Almost all countries stated that law enforcement officials were never allowed to inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.

11. Two countries reported that in order to obtain information or confessions, law enforcement officials were, in special cases, permitted to use interviewing and interrogation techniques which might cause physical or mental pain or suffering to persons. Such techniques were permitted when law enforcement officials were ordered to do so by a superior law enforcement official or other government official. It was also reported by two countries that such techniques were permitted when there was a threat to national security, and when there was a public emergency. One country reported that such techniques were permitted when dealing with particular forms of crime. All other countries, when responding to this question, reported that such techniques were never permitted.

12. In almost all countries, it was mandatory that all acts of torture or maltreatment by law enforcement officials were always investigated in an impartial and thorough manner, even when there had been no formal complaint. Several countries reported that this principle was usually applied; and one country reported that it was applied exceptionally. One country reported that it was at the discretion of the supervisors of the law enforcement official. Australia reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

13. A number of countries reported that cases against law enforcement officials charged with crimes connected with the infliction, instigation or toleration of any act of torture or inhuman or degrading treatment were heard by regular domestic criminal courts. In three countries, special military or police courts were established to deal with such crimes. One country reported that cases against an officer charged with such crimes would be heard exclusively by internal disciplinary police courts. In about one third of responding countries, such cases would be heard, in addition to regular domestic criminal courts, by special courts or tribunals, both public and internal. Australia noted that disciplinary action could take place mostly in addition to court action. Austria reported that there were possibilities for civil or disciplinary actions to be taken in cases of crimes committed by law enforcement officials involving the infliction, instigation or toleration of any act of torture or inhuman or degrading treatment. Chile reported that such cases were also heard by the Investigation Police. Portugal reported that police officials who had military status were heard by military courts.

14. In general, law enforcement officials who had been found guilty by the court or tribunal of inflicting, instigating or tolerating any act of torture were subject to fine (36 countries); censure (27 countries); reduction of rank (34 countries); reduction of remuneration (25 countries); transfer from law enforcement agency (21 countries); suspension (24 countries); termination of employment (41 countries); and some other system of punishment (22 countries). France reported that the penalty for torture or barbaric acts was 15 years of imprisonment, and that the maximum would be 20 years when committed by a person vested with public authority in or during the performance of his functions. Switzerland reported that, depending on the severity of the incident, either disciplinary or criminal proceedings were instituted.

15. Of those countries which reported that law enforcement officials who were suspected of having committed an act of torture might temporarily be suspended from office, in 42 they were suspended with continued payment. In 32 countries, the suspected officials were suspended from office without continued payment. In 13 countries, they were transferred to another law enforcement agency. Thirty-three States reported that these officials could also be assigned to other responsibilities within the same law enforcement agency. Finland and the United Republic of Tanzania noted that such officials were paid half of their salary, while in Cyprus, officers might receive a "suspension allowance" which amounted to not less than half of their salary. Oman reported that they were paid part of their salary. Saudi Arabia reported that suspected officers continued to be paid until judgement is rendered.

16. Almost all countries reported that a law enforcement official who committed an act of torture was punished under national law. Two countries informed that this principle was applied in some specific situations. Colombia noted that such officials were punished under the Military Penal Code. Nepal reported that they were punished under an internal disciplinary system rather than, apparently, the normal judicial system. Saudi Arabia stated that they were punished under Islamic Sharia law. Officials of Vanuatu suspected of having committed an act of torture had to face disciplinary action in addition to criminal proceedings.

17. One country reported that law enforcement officials had the duty to report any case of suspected torture to a specialized agency without reporting to any superior. In all other countries law enforcement officials had the duty to report any case of suspected torture to the direct supervisor. In about a quarter of the countries, officers also had the possibility to report on such cases to the superior at a higher grade or to a specialized agency.

18. About two thirds of the countries reported that an investigating procedure or institution had been established to investigate any act of torture by a law enforcement official, independent of any agency to which such a law enforcement official might belong. Some countries noted that such procedures were established to a certain extent. Five other countries reported that such procedures were established for some specific situations. Australia noted that it had established the institution of a police ombudsman and other police complaints authorities. Colombia reported that there were monitoring bodies, such as the public prosecutor's office, the procurator's office, the legal defence service and the commissioner for the national police. Argentina reported that there was no special procedure except general rules governing investigation and judgement of offences. In Jamaica, law enforcement officials were obliged to report not only torture cases, but also assaults and other such cases to the complaint section of the internal affairs division or to a public complaints bureau where those matters were investigated. In the Philippines, the national police inspector general, the commission on human rights, the ombudsman, the courts and other government bodies were closely monitoring all police units for incidents potentially related to torture and other human rights violations. The chief officer of the police authority in the United Kingdom was responsible for investigating and directing disciplinary charges of misconduct against police officers by reviewing the report of every complaint, while the director of public prosecutions was responsible for the decision on criminal charges in the United Kingdom.

19. Almost all countries reported that a formal and prescribed procedure had been established which must be followed when a law enforcement official was subject to disciplinary proceedings. One country reported that such procedures had been established to a certain extent; another indicated that it had been established in some specific situations; and in two countries, such procedures had not been established.

20. Formal and prescribed procedures set forth the provisions on the process of investigation in 62 countries; the rights and duties of the investigator in 51 countries; the process of forwarding all information necessary in 46 countries; the executing procedures of investigator's orders in 44 countries; the procedure for supervising the investigation in 43 countries; the supervision of the investigator in 42 countries; and the rights of officials being investigated in 41 countries.

21. In 51 countries, law enforcement officials might not invoke a superior order as a justification of torture and other cruel, inhuman or degrading treatment or punishment. A state of war (in 49 countries), a threat of war (in 46 countries), a threat to national security (in 52 countries), internal political instability (in 52 countries) and other public emergency (in 49 countries) is not sufficient justification for torture and other cruel, inhuman or degrading treatment or punishment. Israel, however, reported that the Landau Commission for the Inquiry into the Investigation Techniques of the General Security Services (GSS) concluded that if a public emergency developed, or whenever an imminent threat to national security was at hand, GSS investigators would be able to use "moderate physical pressure" to gain important information from those who knowingly endangered public safety.

IV. MEDICAL SERVICES

22. Article 6 of the Code of Conduct stipulates that law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

23. Almost all countries reported that medical and dental services were available for all persons held in custody, and that this practice was mandatory. Five countries reported that such services were available for almost all persons. Four countries informed that it was mandatory with specified exceptions. In Costa Rica dental treatment was not provided for persons held in custody. Israel reported that the annual numbers of detainees in police detention centres was 90,000, half of whom were drug addicts and others with medical problems. All those persons received medical assistance. Australia, Jordan, Luxembourg, Mongolia and the

Philippines reported that reforms were expected in the foreseeable future in order to ensure compliance with the Code of Conduct.

24. Almost all countries reported that access to a qualified medical officer was always available every day, and that this practice was mandatory, at least with specified exceptions. Five countries reported that it was usually available. One country reported that it was exceptionally available. In the Philippines, persons in custody were provided with doctors or medical practitioners of their choice, and the Government, in cooperation with hospitals, usually extended assistance to such cases. Luxembourg, Mongolia and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

25. Five sixths of the countries reported that ill or injured persons held in custody who required medical treatment were always transferred to specialized institutions or to civil hospitals. Others reported that this principle was applied usually; and one country reported that it was applied exceptionally. Almost all countries reported that this practice was mandatory, or mandatory with specified exceptions. Two countries reported that a transfer of injured persons in custody to specialized institutions was at the discretion of the supervisors of the law enforcement official. Australia noted that medical treatment of persons held in custody was provided by nursing facilities. Colombia, Malawi and Nepal reported that, when necessary, persons in custody could also be transferred to medical service stations. Japan noted that in adult correctional institutions, at least one doctor was on duty at any given time. The number of doctors available increased in accordance with the size of institutions and the type of work inmates were required to do. If it was difficult to give proper treatment in an ordinary detention centre, or if a special or a long-term treatment was required, a patient would be sent to special detention institutions where sufficient medical treatment was available. Otherwise, adequate medical care was secured by hospital treatment. The United Kingdom noted that a custody officer was obliged to call a qualified medical practitioner immediately when a person in custody was suffering from physical or mental illness or injury, or if medical assistance was otherwise necessary. If required, a detainee was immediately conveyed to hospital. Mongolia reported that because of lack of financial resources for the detention and prison system, difficulties were faced in ensuring adequate medical services for detainees. Luxembourg, Mongolia and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

26. Almost all countries reported that law enforcement officials always had to obtain and comply with the advice of qualified medical personnel, in particular when the provision of medical treatment was recommended. Liechtenstein, Mongolia and the Republic of Korea reported that this principle was usually applied. In almost all countries the practice was mandatory. Three countries reported that it was mandatory with specified exceptions. Jamaica reported that there were guidelines to deal with recommendations made by medical officers. The implementation of these guidelines was closely monitored by the Government. Disciplinary action against those officers was initiated who did not comply with these guidelines. Mongolia and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

V. ACTION AGAINST CORRUPTION

27. Article 7 of the Code of Conduct stipulates that law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

28. Almost all countries reported that law enforcement officials were never entitled to engage in any industrial, commercial or professional activities which were related to, or might be influenced by, their functions or duties. Some countries indicated that this principle was usually applied. Malawi reported that it was applied exceptionally. Almost all countries reported that the practice was mandatory. In four countries it was mandatory with specified exceptions. The Republic of Korea reported that it was mandatory in certain specified cases. Australia reported that a decision whether a law enforcement official was entitled to engage

in any industrial, commercial or professional activity was at the discretion of the supervisors of the law enforcement official. Chile, Colombia, Czech Republic, Finland, Iran (Islamic Republic of), Saudi Arabia and San Marino noted that law enforcement officials were not allowed to accept any gift from third parties, and Finland added that to offer a gift was regarded as a bribery or attempted bribery. Nepalese police regulations determined that law enforcement officials were strictly prohibited from accepting any grants or gifts (without prior approval) and from placing themselves under any kind of pecuniary obligation. If any official was found guilty of an act of corruption, he or she might be punished under the anti-corruption act of 1961. The Islamic Republic of Iran and Saudi Arabia reported that accepting any kind of gift was considered as a crime of extortion or "Rashawah". Mongolia reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

29. In 30 countries, law enforcement officials had the duty to report any gift from third parties if the value of the gift exceeded a certain amount of money. In 25 countries, such a reporting obligation existed if the gift was immaterial but could be bought. In 34 countries, officials had to report on a gift if a third party had promised any kind of privileges. In 35 countries, such reporting was obligatory, whether or not the gift was for the official concerned or for others. In five countries, officers had to report on the gift if it was for themselves or their relatives. In two countries, officers had to report on gifts if they were for themselves but not for their relatives or others. Argentina reported that officials were not obliged to communicate the receipt of gifts. Trinidad and Tobago reported that there were regulations which listed the conditions under which a police officer might accept a present. These were cases in which an official received a gift from a representative of a foreign Government on the occasion of an official visit to the country concerned, if he or she received a gift from a community organization on a social occasion where the gift represented the work or an achievement of that organization; or if he or she received a gift from other officers in the service on the occasion of his or her marriage, retirement, transfer or other celebratory occasion, if the present was approved by the Commissioner. Mongolia and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

30. Almost all countries reported that law enforcement officials were prohibited from placing themselves under a pecuniary obligation of any kind to any person or entity in a manner which might affect their ability to perform their function and their duties, and that this prohibition was reinforced by the command, management and administrative system of the agency in which they served. One country reported that this principle was applied to a certain extent. Two countries reported that it was applied in some specific situations or that it was never applied.

31. Almost all countries reported that law enforcement officials were prohibited from being influenced by their own private interests when exercising their official function or duties, and that this prohibition was reinforced by the command, management and administrative system of the agency in which they serve.

32. Fifty-three countries reported that an independent investigating procedure existed to examine allegations of corruption against law enforcement officials. Three countries reported that such procedures existed to a certain extent. Another three Governments reported that they existed only for some specific situations. Six countries reported that such procedures did not exist at all. One country noted that there were codes of military procedure for such cases.

33. About half of the countries reported that law enforcement officials who had committed an act of corruption were subject to the following sanctions which could be imposed by internal disciplinary mechanisms of a law enforcement agency: fine (in 29 countries); censure (in 27 countries); reduction of rank (in 34 countries); reduction in remuneration (in 25 countries); transfer from law enforcement agency (in 22 countries); suspension (in 36 countries); termination of employment (in 59 countries); and some other system of punishment (in 23 countries). Three countries noted that imprisonment could also be imposed on an officer as a punishment. One country reported that besides prison, an officer could be definitively dismissed from the armed forces.

34. In 40 countries, law enforcement officials who were suspected of having committed an act of corruption might temporarily be suspended from office with continued payment. In 34 countries, officers suspected of an act of corruption were suspended from office without continued payment. In 17 countries, they could also be transferred to another law enforcement agency or, in 28 countries, assigned to other responsibilities within the same law enforcement agency. Four countries noted that their salary could be reduced by 50 per cent. The Islamic Republic of Iran reported that officials could be subject to disciplinary sanctions before being addressed to competent courts.

35. Almost all countries reported that law enforcement officials who were found guilty of an act of corruption might always be punished under criminal law. Australia, Costa Rica, Jamaica and Mongolia reported that this principle was usually applied. Almost all countries reported that the practice was mandatory. In two countries, the practice is mandatory with specified exceptions, and in one country, it is mandatory in certain specified cases. Three countries reported that it was at the discretion of the supervisors of the law enforcement official. Mongolia reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

36. Fifty-eight countries reported that other law enforcement officials had the duty to report any case of corruption or suspected case of corruption by law enforcement officials to the direct supervisor. There was an obligation to report to the superior at a higher grade than the direct supervisor in 22 countries. In 14 countries, officials had to report to a specialized agency. In 12 countries, officials had also to report to a specialized agency, but without reporting to any supervisor.

37. Forty-five countries reported that an investigative procedure or institution, independent of any agency in which such a law enforcement official might serve, had been established to investigate any act of corruption by law enforcement officials. Seven countries reported that such procedures existed to a certain extent. In Nepal, such procedures existed for some specific situations. Twelve countries reported that such procedures did not exist. Australia noted that in some of its states there were clearly independent investigative bodies. While some states in Australia established an exclusive internal body, others favoured bodies which dealt with disciplinary action and investigation of corruption. The United Republic of Tanzania reported that investigations could be carried out by an anti-corruption squad, which was a specialized institution, or by the criminal investigation department of the police. In New Zealand, the authority for police complaints, as an independent body, was obliged to investigate or oversee the investigation of corruption within the police. The Philippines reported that their national police had established comprehensive reforms which aimed at solving the problem of corruption. In particular, Philippine law enforcement officers who were suspected of an act of corruption were subject to preventive suspension and an initial trial under the summary dismissal hearing officer. In Spain, the internal affairs units investigated and prosecuted misconduct by officials. These units assisted the courts and the Public Prosecutor's Office. Mongolia reported that corruption existed among many public officials, including law enforcement officials. The Government identified inadequate legislation and lack of expertise in combating corruption as the primary areas for improvement.

38. Almost all countries reported that a formal and prescribed procedure had been established which had to be fully adhered to when a law enforcement official was subject to a disciplinary charge. Two countries reported that such procedures were followed to a certain extent, while in another two countries such procedures were not in place.

39. A number of countries reported that this formal and prescribed procedure set out the provisions on the process of investigation (in 60 countries); the rights and duties of the investigator (in 48 countries); the process of forwarding all information necessary (in 48 countries); the procedures for executing investigator's orders (in 43 countries); the procedure to supervise the investigation (in 44 countries); the supervision of the investigator (in 43 countries); and the rights of officials being investigated (in 49 countries).

VI. USE OF FORCE AND FIREARMS

40. According to article 3 of the Code of Conduct, law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. In order to gather information on the use and application of this provision, Member States provided information on testing and special training of law enforcement officers before they were allowed to use force or firearms, as well as on detailed provisions on the use of force and firearms by law enforcement officers in general, against persons in custody or detention or when policing unlawful assemblies. This section also reflects information received from Member States on reporting requirements and review procedures, once a law enforcement officer had to use force or firearms.

A. Testing and special training

41. In accordance with provision 19 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Governments and law enforcement agencies should ensure that all law enforcement officials are tested in accordance with appropriate proficiency standards in the use of force. This principle was respected in almost all countries either always (34 countries) or usually (13 countries). In four countries, such testing was conducted on an exceptional basis, while in three other countries the use of force by law enforcement officials was never tested. While the conduct of such tests was subject to the discretion of the law enforcement officials' supervisors in four countries, it was mandatory in 10 other countries. Argentina, Australia, Colombia, Luxembourg and Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

B. Use of force

42. In accordance with provision 19, those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use. Almost all countries reported that they complied with this principle on a mandatory basis. Three countries reported that this principle was applied usually; one country noted that it was applied exceptionally. In one country, it was never applied. Four countries reported that compliance with this principle was subject to the discretion of the supervisors of the law enforcement official. Australia further informed that national minimum guidelines for firearms training would be adopted soon, and that non-lethal weapons would be introduced. The philosophy of "minimum force necessary" and "use of firearms as last resort" was adopted and reinforced in training across Australia. The Marshall Islands and Vanuatu reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

C. Use of firearms

43. In accordance with provision 9, law enforcement officials should not use firearms against persons except in self-defence or defence of others against imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

44. Fifty-nine countries reported that law enforcement officials were never allowed to use firearms against persons, unless the use of these weapons was justified by self-defence, defence of others against the imminent threat of death or to prevent the perpetration of a particularly serious crime or to arrest. In three countries, this principle was applied usually. One country reported that it was applied exceptionally. Law enforcement officials in Ireland were not allowed to use firearms to arrest a person unless there was an immediate threat to life. Trinidad and Tobago reported that the use of firearms was not justified unless the person was armed. Even in this case, their law enforcement officers would make every effort to minimize injury and prevent

death. The Republic of Korea reported that when the police ordered armed rioters more than three times to abandon or surrender, and the rioters still refused to comply with the order, the police were allowed to use firearms in order to prevent the commission of a crime or to arrest the rioters, in particular, when it was recognized that there were reasonable grounds for the belief that the use of firearms was the only way to end the unlawful act. The use of ordinary force was reported to be very remote in Malawi. Firearms, however, were used to counter possible escalation of armed robberies, which were supported by illegal trafficking in weapons. Cyprus reported that any use of firearms to protect persons and property had to respect the principle of proportionality.

45. In 22 countries, firearms could be used against persons to prevent serious injury to others, if there was no grave threat to life. In 11 countries, this principle was usually applied. It was applied exceptionally in 23 countries, while in 10 other States it was never applied. The Philippines and the Republic of Korea reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

46. Eight countries reported that law enforcement officials were always allowed to use firearms against persons to protect State property. Another 12 countries noted that this principle was applied usually, while in 37 countries it was applied exceptionally. In 11 countries, the protection of State property was never supported by the use of firearms. In this connection, the Czech Republic noted that the use of firearms was only justified if a guard was attacked when protecting a building or when he was on duty in an area strategically important for the military. Switzerland reported that the use of firearms was permitted as the *ultima ratio* to prevent a serious and imminent criminal attack on public buildings, the destruction of which would constitute a significant loss for the community. However, in such cases, Switzerland focused on the protection of human lives in the public building, rather than on the protection of the building itself. Haiti and Mongolia reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

47. Six countries reported that firearms may always be used against persons to protect other interests of the State. Seven other countries reported that this principle was usually applied. In 31 countries, it was applied exceptionally, and in 19 countries, it was never applied. Haiti, Luxembourg and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct. Six countries reported that firearms may always be used against persons to protect the private property of individuals. Five countries reported that this principle was applied usually. In 31 countries it was applied exceptionally and in 22 countries it was never applied. Luxembourg, Mongolia and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

48. In more than a third of responding countries, the intentional lethal use of firearms by law enforcement officials was prohibited; in 34 countries, however, the intentional lethal use of firearms was allowed, when strictly unavoidable in order to protect life; in 11 countries, intentional lethal use of firearms was also allowed, when other means were insufficient to secure law and order. The Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

Authorization to use firearms

49. In more than two thirds of responding countries, the use of firearms was allowed under circumstances prescribed by law, while in about one third of the countries, other legal directives allowed the use of firearms In about one sixth of the countries that allowed the use of firearms, an authorization or order by a superior law enforcement official was necessary, while in 13 countries, it was sufficient that the individual law enforcement official should consider the use of firearms necessary in a particular circumstance.

50. The United Kingdom reported that only those officers who received special training were issued firearms. Those officers were allowed to carry firearms only when they could reasonably anticipate that they would have to respond to an armed person. The authorization to use firearms was restricted to those

circumstances of absolute necessity, i.e. for protection or where the person was so dangerous that he could not safely be restrained without the use of firearms. The United Kingdom further explained that if an officer had to use firearms, he was personally responsible and required to justify his actions before the courts. The Marshall Islands reported that rules and regulations on the use of weapons were being drafted.

51. A number of countries reported that domestic laws or other regulations on the use of firearms by law enforcement officials included guidelines that specified the circumstances under which law enforcement officials were authorized to carry firearms, and prescribed the types of firearms and ammunition permitted. In some countries, guidelines ensured that firearms were used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm. In some countries, these regulations prohibited the use of firearms and ammunition that caused unwarranted injury or presented an unwarranted risk. They further regulated the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials were accountable for the firearms and ammunition issued to them.

Prior identification or warning

52. In accordance with provision 10, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons or would be clearly inappropriate or pointless in the circumstances of the incident.

53. Almost all countries reported that law enforcement officials, on a mandatory basis, were always requested to identify themselves as law enforcement officials before using firearms. Eleven countries reported that this principle was usually applied, and in one it was never applied. The Philippines noted that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct. Fifty-one States reported that before using firearms against persons, law enforcement officials were obliged to give a clear warning of their intent to use firearms. In eight States, this principle was usually applied; in two countries, clear warnings prior to the use of firearms had to be given in exceptional cases. The Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

54. In more than two thirds of the responding countries, law enforcement officials were always obliged, before using firearms against persons, to wait between the warning and the direct use of firearms against persons to give the offender sufficient time to observe the warning; about a quarter reported that this principle was applied usually; United Kingdom law enforcement officers, depending on their discretion in individual cases, had to wait between warning and the use of firearms only in exceptional cases or never. In Japan and South Africa, the observance of a waiting period was at the discretion of the supervisors of the law enforcement official.

D. Use of force and firearms against persons in custody or detention

55. As stipulated in provision 15, law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, for reasons of self-defence or when personal safety is threatened. A number of countries reported that they fully complied with this principle.

56. Compared to the use of force, principle 16 stipulates a more restricted use of firearms. In accordance with this provision, law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger of perpetrating a particularly serious crime involving grave threat to life. While many countries reported that they observed this principle, the replies suggested that a number of countries did not fully observe the strict preconditions for the use of firearms in custody or detention. In particular, 38 countries

allowed the use of firearms by officers to maintain security and order within institutions. In all countries which allowed the use of firearms against persons in custody or detention, law enforcement officials were authorized to use firearms under circumstances prescribed by law. In some countries, in addition to legal provisions, such circumstances were also prescribed by other legal directives. In 10 countries, the use of firearms in detention was lawful if ordered or authorized by a superior officer.

57. Japan reported that there were three justifications for prison officials to use firearms in addition to when there was a grave threat to life: (1) when inmates committed violence which could be dangerous to the body of another person; (2) when an inmate was trying to escape from prison, disregarding an order to stop; and (3) when many inmates were raising a disturbance with intent to escape. Japan further explained that handguns had not been used for more than 30 years, and tear-gas guns for more than 20 years. Israel and Ireland noted that firearms may be used only under certain circumstances, when the escapee posed a serious threat to the life of someone. Morocco reported that rather than using force or firearms, the prison service, in the event of rebellion or mutiny or a refusal by the prisoners to return to their dormitories, had always resorted successfully to dialogue.

E. Policing unlawful assemblies

58. In accordance with provision 4, law enforcement officials, in carrying out their duty, should, as far as possible, apply non-violent means before resorting to the use of force. They may use force only if other means remain ineffective or without any promise of achieving the intended result.

59. In 26 countries, law enforcement officials were allowed to use force to disperse assemblies that were unlawful but peaceful. In other countries, unlawful but non-violent assemblies should be dispersed without force, even if dispersal of the assembly was easier when resorting to forceful means. Of those countries which allowed the use of force to disperse assemblies, a majority restricted its use by law enforcement officers to the minimum extent necessary. In 18 countries, the use of force was only allowed if the dispersal of the assembly was less dangerous to individuals than the continuation of the assembly. The Islamic Republic of Iran noted that there were provisions and training courses for officials on how to disperse assemblies. Jamaica reported that the Code of Conduct and the Basic Principles were included in two manuals, which were distributed among all ranks of police, for general information and compliance. Nepal and Switzerland provided information on the procedure for dispersing assemblies, in compliance with the principle of proportionality and the graduated use of force.

60. In 51 countries, law enforcement officials might use firearms to disperse violent assemblies. Two countries reported that firearms might also be used to disperse assemblies that were unlawful but non-violent. In 12 countries, this principle was always applied; six States reported that it was applied usually; 32 reported that it was applied exceptionally; and 10 reported that it was never applied. Saudi Arabia and Singapore noted that officers might resort to firearms to disperse violent assemblies after the use of all lawful and peaceful measures to protect other lives proved to be insufficient in the specific circumstances. Vanuatu reported that other means, such as tear-gas and batons, were used before resorting to firearms. Luxembourg reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

F. Reporting

61. In accordance with provision 22, Governments and law enforcement agencies should establish effective reporting and review procedures for all incidents where force or firearms are used by law enforcement officials.

62. Almost all countries reported that law enforcement officials authorized to use force or firearms were required to report the incident to their superiors whenever force or firearms had been used on duty. Some reported that law enforcement officials were obliged to report on the use of force only if injury of any kind

to a person was caused. Peru and Mongolia reported that reporting was obligatory only when personal injury or death was caused. Nepal noted that if a law enforcement official used firearms, he or she was not only obliged to report thereon, but also to justify the use of firearms. The superior might then conduct an inquiry. Jamaica reported that law enforcement officials did not always report the use of firearms, especially when firearms were discharged in cases such as breaking up demonstrations. In comparison with senior officers, junior officers were less likely to report such activities when no one was injured, because they feared disciplinary measures and a long investigative process. In San Marino, no specific provisions for the use of firearms were in place. In the past, firearms had only been used to warn, but not to shoot at people. Switzerland stated that, in 1976, standard rules for the use of firearms were implemented by all police forces. The time-limit for reporting to the superior of the law enforcement official on the use of firearms was between 1 and 10 days in almost all countries.

63. Almost all countries reported that a law enforcement official was always held legally responsible for not having submitted an adequate report on the use of firearms to his or her superior. In two countries, this practice was usually applied. The United States explained that agents of the Federal Bureau of Investigation could be subject to internal disciplinary measures for failing to submit such a report, but that they were not legally liable for failing to do so. Finland and the United Republic of Tanzania reported that a law enforcement officer was held responsible for not having submitted an adequate report on the use of firearms to his or her supervisors.

G. Review procedures

64. In almost all countries, a law enforcement official was held legally responsible for the unlawful use of force and firearms. In two countries, this practice was applied to a certain extent, and one country reported that it was applied only exceptionally. Jamaica explained that even if a law enforcement official used force as a result of an order, he or she would be held accountable for his or her action, as the use of force was at the discretion of the individual officer in most instances. In Luxembourg, law enforcement officers had to face criminal or disciplinary sanctions if their hesitation to use force led to failure to assist a person in danger.

65. Almost all countries reported that superior officers were held legally responsible if they gave unlawful orders to use force and firearms. In two countries, this practice was applied to a certain extent. In the United Kingdom, responsibility for the use of firearms rested with an individual officer who was answerable to the courts, even if the use of firearms was ordered by a senior officer.

66. Almost all countries reported that superior officers were held responsible if they knew, or should have known, that law enforcement officials under their command were resorting to, or had resorted to, the unlawful use of force and firearms, and did not take all measures in their power to prevent, suppress or report such use. In two countries, this principle was applied to a certain extent. One country reported that it was applied in some specific situations, while another State noted that it was applied only exceptionally.

67. In most countries, in appropriate circumstances, independent administrative or prosecutorial authorities, on a mandatory basis, were in a position to exercise jurisdiction to deal with reported incidents. In some countries, this practice was applied usually; and four countries noted that it was applied exceptionally. Israel explained that a department of investigation of law enforcement officials for enquiries into suspected violations of regulations dealing with the use of force had recently been established. New Zealand stated that an independent police complaints authority existed which was in charge of all complaints against the police, including those involving use of force by the police whereby death or injury had occurred. In Vanuatu, complaints were received by the police service commission. Australia and the Philippines reported that reforms were expected in the foreseeable future to ensure compliance with the Code of Conduct.

68. Almost all countries reported that in cases where injury or death was caused by a law enforcement official who used force or firearms in the performance of his or her duty, independent administrative or

prosecutorial authorities always received detailed reports on the incident. In three countries, this practice was usually applied. Almost all countries reported that this practice was mandatory. In two countries, however, it was mandatory with specified exceptions. In one country, reports on the lethal use of force or firearms was mandatorily received by such authorities in certain specified cases.

69. Almost all countries reported that persons affected by the use of force or firearms and their legal representatives had access to an independent process, including a judicial process. In two countries, this practice was applied to a certain extent; and one country reported that it was applied in some specific situations.

70. In a number of countries, law enforcement officials, in compliance with the Code of Conduct and the Basic Principles, had to face criminal or disciplinary sanctions if he or she refused to carry out an order to use force or firearms. In other countries, however, law enforcement officials had not to face such sanctions. Cyprus, Philippines, Portugal, Spain and Switzerland reported that a law enforcement official could refuse the execution of an unlawful order. Niger reported that if the official felt that the order seemed excessive or unlawful, he could present reservations in writing or orally.

VII. QUALIFICATIONS, TRAINING AND COUNSELLING

A. Qualifications

71. Provision 18 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulated that Governments and law enforcement agencies should ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions, and receive continuous and thorough professional training.

72. Almost all countries reported that their law enforcement officials were always selected by proper screening procedures, and that, except in 13 countries, this was mandatory practice. Six countries reported that selection of law enforcement officials by screening procedures was the usual practice. Two countries reported that in specified cases such procedures need not to be applied, while in another two countries, screening procedures were mandatory in certain specified cases. Again in two countries, it was at the discretion of supervisors to determine whether law enforcement officers were selected by proper screening procedures. Argentina explained that the application of proper screening procedures to select law enforcement officers was exceptional, and that because of the serious shortages of funds and insufficient remuneration, the number of applicants for work as law enforcement officials was decreasing. In turn, selection standards had to be gradually relaxed.

73. A number of States reported that screening procedures included competitive examination of applicants, individual interviews, security checking and other screening procedures. In almost all countries, screening procedures also focused on the moral, psychological and physical qualifications of applicants. Trinidad and Tobago reported that not all law enforcement agencies conducted psychological testing for all their officers, but that psychiatrists should be members of recruitment panels.

B. Training for law enforcement officials

74. Article 2 of the Code of Conduct stipulates that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons. Accordingly, provision 20 of the Basic Principles stipulates that in the training of law enforcement officials special attention should be given to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the

understanding of crowd behaviour and the methods of persuasion, negotiation and mediation with a view to limiting the use of force and firearms.

75. Almost all countries reported that in the training of law enforcement officials, special attention was given to issues of police ethics, human rights, alternatives to the use of force and firearms, the peaceful settlement of conflicts, the understanding of crowd behaviour, and methods of persuasion, negotiation and mediation.

76. Provision 19 stipulates that Governments and law enforcement agencies should ensure that all law enforcement officials are provided with training. Almost all countries reported that all law enforcement officials received continuous and thorough professional training in order to ensure the effective exercise of their functions and lawful use of force and firearms. About half of the countries responding to the survey reported that the psychological impact of police actions was properly taken into consideration by law enforcement officials.

77. Thirty-one States reported that effective use of stress counselling was encouraged in situations where force and firearms were used, in accordance with provision 21. Austria reported that psychological assistance was offered to every law enforcement official after he had used firearms. The Philippines reported that the establishment of community-oriented policing systems was the underlying principle governing the pursuit of peace and order, as it was recognized that no efforts for preserving peace and maintaining order would ever be successful in the absence of community support.

78. A number of countries reported that continuous and thorough professional training was given, for all law enforcement officials, for at least 1 to 15 hours per year (six countries); for 16 to 30 hours (six countries); for 30 to 50 hours (14 countries); for 51 to 80 hours (seven countries); for 81 to 100 hours (four countries); and for more than 100 hours (21 countries).

79. In Australia, training varied monthly from 16 to 80 hours. In Colombia, there were 14 schools for the preparation, training and specialization of personnel in different categories for officers (inspectors) training which lasted for one to three years. Specializations in training were urban, rural and criminal police activities. French magistrates were trained at the National College of Magistrates before and during their careers. In Nepal, training courses after recruitment varied from 3 to 15 months. This initial training was usually followed by advanced professional training courses. The level of training depended upon responsibilities and the nature of the work of the law enforcement officials. Niger reported that senior officials received additional training in some western and African countries. United Kingdom officers received a minimum of 1,240 hours of training in the first two years of service; the amount of training provided for officials with more than two years of service varied according to the requirements of individual police forces. Officials specially trained in the use of firearms received at least 64 hours of firearms training per year. Trinidad and Tobago reported that because of financial constraints, not all law enforcement officials received continuous training. Special units of the police service, however, received continuous training for at least 51 to 80 hours per year. In the Philippines, in addition to in-service training, law enforcement officials were advised to take up advanced courses at the public safety college, the national defence college, the intelligence training group of the national police and post-graduate schools, as well as professional counselling services and religious formations. Tonga reported that technical assistance was required in training, especially in forensic science, drug control and measures against money-laundering. Vanuatu reported that because of political influence, limited resources and skill, it was difficult to provide training to the police in basic principles of law enforcement.

80. A number of countries reported that practical training was provided to all police forces in special areas of policing and police work. Member States were also requested to indicate whether specialized units existed in areas where special know-how in policing was required. Table 1 sets out the nature of training and the areas of policing in which specialized units were established. In addition, law enforcement officials received training in undercover techniques (31 countries); passenger examination (37 countries); cargo examination

(36 countries); detection equipment (339 countries); surveillance (46 countries); arrest techniques (58 countries); target practice (53 countries); collection of evidence (46 countries); dispersal of assemblies (52 countries); report-writing (61 countries); record-keeping (54 countries); interviewing and interrogation techniques (55 countries); and use of informants (30 countries).

Table 1. Nature of training provided in various areas of policing

Area of policing	*General training (number of countries)*	*Specialized training (number of countries)*
Organized crime	47	45
Drug-related crime	54	59
Money-laundering	33	39
Environmental crime	29	40
Anti-terrorism	39	49
Domestic violence	47	30
Urban crime	49	37
Juvenile delinquency	55	39
Child abuse	48	34

VIII. TECHNICAL ASSISTANCE

81. It is apparent that assistance provided to requesting countries on different aspects of the Code of Conduct and the Basic Principles would lead to a better use and application of those standards and norms. Many respondents indicated what forms of assistance would be helpful to their Governments and what forms of assistance, if any, could be provided by them to other countries. In most areas, Governments noted that they would be interested in more regular forms of exchange of experience. The next most frequent request was for assistance with training and research. Table 2 highlights the nature of requests for assistance in greater detail.

Table 2. Requests for assistance relating to the Code of Conduct and the Basic Principles

Form of assistance	*Number of countries requesting assistance*
Exchange of experience	38
Training	33
Research	27
Financial aid	27
Planning	26
Assistance in legal reform	21

82. Regarding the provision of technical assistance, the most frequently offered was the exchange of experience (25 countries); training (11 countries); research (10 countries); and legal reform (14 countries).

IX. CONCLUSIONS

83. The information received shows that the provisions of the Code of Conduct and the Basic Principles are considered to be of great importance, and that, in general, they are incorporated into, or covered by, national legislation and practice. There appear to be only a few countries still facing the challenge of improving their legislation and practice with respect to the conduct of law enforcement officers in some areas covered by the Code of Conduct and the Basic Principles, so as to ensure respect for both instruments, in all their aspects.

84. As regards the confidential treatment of information relating to the private lives of individuals (or which is potentially harmful to the interests and the reputation of others), almost all countries reported that law enforcement officials always exercised great care in safeguarding and using such information. A few countries, however, reported that such confidentiality could not always be guaranteed.

85. With respect to information relating to action against torture, most countries reported that they fully complied with the relevant international conventions and standards. A few countries noted, however, that torture or ill-treatment by law enforcement officials might be justified in specific situations or in certain circumstances. In particular, it appeared that investigation and interviewing techniques were not limited to acceptable international standards in some countries.

86. Medical services available to detainees, in general, appeared to be sufficient in most countries. The information gathered in some countries, however, revealed that training of law enforcement officials to recognize and react to symptoms of mental and physical ill-health or incapacity among detainees needed to be further encouraged. Also, proper methods of supervision to ensure compliance with those procedures should be promoted with a view to achieving the best practices. In that connection, States in which such good practices were generally performed might wish to share their experiences with others.

87. As regards action against corruption, investigative agencies in some countries had developed expertise in combating corruption by law enforcement officials, especially when that was connected with organized crime or linked with drug abuse and trafficking. The Commission might wish to consider the establishment of appropriate mecha.. ns to share such experiences.

88. A review of the information on the use of force and firearms suggested the following conclusions. While a majority of the responding countries complied with international standards, the use of force and firearms by law enforcement officials was such an important matter that divergencies from the standards were a matter of great concern for both Governments and the public at large. Such concerns targeted the following areas: the limited legal accountability for the use of force or firearms by law enforcement officials; the limited legal accountability of superior officers for any unlawful orders to use force or firearms that they might give; the limited responsibility of superior officers for the unlawful use of force or firearms by their subordinates; and the shortcomings in provisions for independent administrative or judicial supervision over the use of force and firearms. In addition, the responses from a majority of countries indicating that law enforcement officials who, in compliance with the Code of Conduct or the Basic Principles, refused to carry out an order could face criminal or disciplinary sanctions appeared also to be a challenge. For some countries, the main problem appeared to be the difficulty in reconciling the requirements for discipline and obedience to orders in a hierarchical structure such as the police, which in some countries can be part of the military forces, with the rule of law and the accountability of individuals for their acts or omissions before the law. This was an area where it was essential that good practice, as demonstrated in some contexts, should be shared with relevant agencies of other interested States.

89. Information gathered from Member States with regard to qualifications, training and counselling suggested that many Governments had established proper screening procedures for the selection of law enforcement officials, and that qualifications of selected aspirants were satisfying, depending on the future responsibilities of the individual officer. Some countries reported, however, that both selection by the

administration and qualifications of applicants needed further improvement. Also, because of inadequate remuneration in some countries, fewer and fewer young persons were interested in a career as law enforcement officers. Consequently, both selection requirements and qualifications had to be adjusted to the falling interest of applicants. As regards the provision of education and training for law enforcement officials, it appears that law enforcement officials generally receive at least the basic training which enables them to conduct their duties. In several countries, however, lack of sufficient training was a matter of great concern which created difficulties for Governments in attempting properly to apply the Code of Conduct and the Basic Principles. Inadequate funds to conduct such training and lack of qualified trainers were the reasons most frequently cited.

90. Additional guidance was provided in the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, adopted by the Council in its resolution 1989/61 of 24 May 1989. In section I, subsection A, the Guidelines, *inter alia*, encouraged States to ensure that the principles embodied in the Code of Conduct should be reflected in national legislation and practice, and that, in basic training and all subsequent training and refresher courses, law enforcement officials should be instructed in the provisions of national legislation connected with the Code of Conduct. In section I, subsection B, the Guidelines also outlined some specific issues with regard to the application of the Code of Conduct in the areas of selection, education and training, salary and working conditions, discipline and supervision and complaints by members of the public. In section II, subsection A, Guideline 1 states that the Code of Conduct should be made available to all law enforcement officials and competent authorities in their own language; Guideline 2 states that Governments should disseminate the Code of Conduct and all domestic laws giving effect to it so as to ensure that the principles and the rights contained therein become known to the public in general; and Guideline 3 states that Governments should organize symposia on the role and functions of law enforcement officials in the protection of human rights and the prevention of crime. To that end, in section II, subsection B, Guideline 6 states that the United Nations, as part of its advisory services and technical cooperation and development programmes, should make available to Governments, upon request, the services of experts and regional and interregional advisers to assist in implementing the provisions of the Code of Conduct, and should promote national and regional training seminars and other meetings on the Code of Conduct and on the role and functions of law enforcement officials.

Notes

[1] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.